

Message Text

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TAGS: ETRD

SUBJECT: TRADE ACT OF 1974--SUPPLEMENTARY GUIDANCE ON GSP

REFS: (A) STATE 282967, (B) STATE 282968, (C) TUNIS 333,

(D) RABAT 347, (E) TANANARIVE 162

1. POSTS WHICH HAVE NOT ALREADY TAKEN ACTION IN
ACCORDANCE WITH REF A CONCERNING U.S. SYSTEM OF
GENERALIZED TARIFF PREFERENCES SHOULD TO EXTENT POSSIBLE
LIMIT APPROACH TO DRAWING ATTENTION OF HOST GOVERNMENTS
TO THOSE PROVISIONS OF TITLE V OF TRADE ACT OF 1974
(I.E., SECTIONS 502(C)(1) AND 502(C)(4) WHICH SUGGEST SOME
RESPONSE FROM INTERESTED GOVERNMENTS. (SEE REF A PARA 10
AND REF B WHICH CONTAINS FULL TEXT OF TITLE V.) FINAL
DETERMINATIONS HAVE NOT YET BEEN MADE REGARDING ANY
COUNTRY'S ELIGIBILITY FOR GSP ON THE BASIS OF ALL THE
CRITERIA OUTLINED IN TITLE V. WE THEREFORE WISH TO AVOID
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THE IMPRESSION THAT WE ARE FORMALLY INVITING GOVERNMENTS
TO PARTICIPATE IN GSP OR ASSURING THEM OF ELIGIBILITY.

2. WE ALSO RECOGNIZE THAT SOME GOVERNMENTS MAY BE
PARTICULARLY SENSITIVE ABOUT GIVING ASSURANCES ON U.S.
ACCESS TO MARKETS AND SUPPLIES AS SUGGESTED BY
SECTION 502(C)(4). FAILURE TO RECEIVE SUCH ASSURANCES
WILL NOT NECESSARILY IMPLY DENIAL OF GSP. WE ARE, OF
COURSE, ASSUMING THAT THE U.S. IS RECEIVING EQUITABLE
AND REASONABLE ACCESS TO MARKETS AND SUPPLIES. WE EXPECT

ABSENCE OF ASSURANCES WOULD BE DECISIVE ONLY IN BORDERLINE
CASES WHERE WE ARE FACED WITH DIFFICULT JUDGMENTS.

3. WITH RESPECT TO SECTION 502(C)(1), WE RECOGNIZE THAT
IN SOME CASES GOVERNMENTS MAY HAVE ALREADY EXPRESSED
A DESIRE TO BENEFIT FROM GSP (FOR EXAMPLE, BY SUBMITTING
LISTS OF PRODUCTS TO BE CONSIDERED FOR GSP TREATMENT).
WHERE ADDRESSEES ARE AWARE OF SUCH PREVIOUS EXPRESSIONS,
YOU ARE URGED TO DRAW DEPARTMENT'S ATTENTION TO THEM.

4. AS INDICATED IN PARAGRAPH 10 OF REF A, FORM OF
RESPONSE, IF ANY, SUGGESTED BY SECTIONS 502(C)(1) AND
502(C)(4) SHOULD BE LEFT TO GOVERNMENTS. IF ASKED FOR
ADVICE ON THIS QUESTION, YOU MAY SUGGEST THAT WRITTEN
RESPONSES ARE PREFERABLE BUT THAT ORAL RESPONSES WOULD
CERTAINLY BE TAKEN INTO ACCOUNT.

5. FOR TUNIS, RABAT AND TANANARIVE. WE HAVE NO PLANS TO
TRANSLATE TRADE ACT OR SUPPLEMENTARY MATERIAL INTO
FRENCH (OR INTO OTHER LANGUAGES). DEPT. BELIEVES
TRANSLATION OF TRADE ACT BEST LEFT TO HOST
GOVERNMENT, UNLESS THERE IS PROBLEM WITH WORDING OF SPECI-
FIC SECTION. HOWEVER, OAS HAS PREPARED UNOFFICIAL
SPANISH TRANSLATION OF TRADE ACT AND WE WILL INVESTIGATE
TO SEE IF OTHER UNOFFICIAL TRANSLATIONS EXIST. KISSINGZR

UNQTE
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*** Current Classification *** LIMITED OFFICIAL USE

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